

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

STATE AUTO INSURANCE COMPANY,

Plaintiff,  
vs.

Civil Action 2:09-CV-735  
Judge Smith  
Magistrate Judge King

THOMAS LANDSCAPING &  
CONSTRUCTION, INC.,

Defendant.

ORDER

On September 27, 2012, the Court conferred with counsel as to the status of this case in light of the mandate issued by the United States Court of Appeals for the Sixth Circuit.

It is presently unclear whether the current motion for summary judgment, Doc. No. 18, will be pursued or, if so, whether defendant will file a motion under Fed. R. Civ. P. 56(d) prior to responding to that motion.

**The Court will confer again with counsel, by telephone, on October 18, 2012, at 11:30 a.m.** At that conference, counsel will be prepared to address the status of the current motion for summary judgment, whether and to what extent discovery is appropriate and the appropriate time and vehicle for settlement discussions. If the parties agree that a new pretrial schedule should be established, the parties shall attempt to agree on that schedule.

September 27, 2012

s/Norah McCann King  
Norah McCann King  
United States Magistrate Judge